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**HOUSE BILL 67**  
**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**  
**INTRODUCED BY**  
**Patricia A. Lundstrom**

**AN ACT**  
**RELATING TO BRANCH COMMUNITY COLLEGES; PROVIDING FOR INCREASED**  
**AUTHORITY OF ELECTED BOARDS TO SELECT BRANCH COMMUNITY COLLEGE**  
**DIRECTORS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 21-14-2 NMSA 1978 (being Laws 1963,**  
**Chapter 162, Section 2, as amended) is amended to read:**

**"21-14-2. BOARD DUTIES--RELATIONSHIP WITH PARENT**  
**INSTITUTION--ELECTIONS. --**

**A. As used in Chapter 21, Article 14 NMSA 1978,**  
**"board" means either the local school board or the combined**  
**local school boards acting as a single board of the school**  
**district or the board of the branch community college elected**  
**pursuant to Section 21-14-2.1 NMSA 1978.**

**B. The duties of the board are to:**

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1 (1) enter into written agreements with the  
2 board of regents of the parent institution, subject thereafter  
3 to biennial review by all parties concerned and to the review  
4 and commentary of the commission on higher education;

5 (2) act in an advisory capacity to the board  
6 of regents of the parent institution in all matters relating to  
7 the conduct of the branch community college;

8 (3) approve an annual budget for the branch  
9 community college for recommendation to the board of regents of  
10 the parent institution;

11 (4) certify to the board of county  
12 commissioners the tax levy; and

13 (5) conduct the election for tax levies for  
14 the branch community college.

15 C. A board of a branch community college elected  
16 pursuant to Section 21-14-2.1 NMSA 1978 shall choose the  
17 director of the branch community college jointly with the board  
18 of regents of the parent institution. The elected board of the  
19 branch community college or the board of regents of the parent  
20 institution shall not appoint a director without the consent of  
21 the other.

22 [~~C.~~] D. The board and the board of regents of the  
23 parent institution shall enter into a written agreement, which  
24 shall include provisions for:

25 (1) the higher education institution to have

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1 full authority and responsibility in relation to all academic  
2 matters;

3 (2) the higher education institution to honor  
4 all credits earned by students as though they were earned on  
5 the parent campus;

6 (3) the course of study and program offered;

7 (4) the cooperative use of physical facilities  
8 and teaching staff;

9 (5) consideration of applications of local  
10 qualified people before employing teachers of the local school  
11 system; and

12 (6) the detailed agreement of financing and  
13 financial control of the branch community college.

14 [~~D.~~] E. The agreement shall be binding upon both  
15 the board and the board of regents of the parent institution;  
16 however, it may be terminated by mutual consent or it may be  
17 terminated by either board upon six months' notice. However,  
18 if the branch community college has outstanding general  
19 obligation or revenue bonds, neither the board nor the board of  
20 regents may terminate the agreement until the outstanding bonds  
21 are retired, except as provided by Section 21-13-24.1 NMSA  
22 1978. This provision shall apply to all agreements in  
23 existence between the branch community college and the board of  
24 regents of the parent institution.

25 [~~E.~~] F. All taxes levied to pay for principal and

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1 interest on bonds of the branch community college shall be in  
2 addition to the taxes levied for operating, maintaining and  
3 providing facilities for the branch community college pursuant  
4 to the College District Tax Act.

5 [F-] G. For the purpose of relating branch  
6 community colleges to existing laws, branch community college  
7 districts or branch community colleges shall not:

8 (1) be considered a part of the uniform system  
9 of free public schools pursuant to Article 12, Section 1 and  
10 Article 21, Section 4 of the constitution of New Mexico;

11 (2) benefit from the permanent school fund and  
12 from the current school fund under Article 12, Sections 2 and 4  
13 of the constitution of New Mexico;

14 (3) be subject, except as it relates to  
15 technical and vocational education, to the control, management  
16 and direction of the [~~state board of education under Article~~  
17 ~~12, Section 6 of the constitution of New Mexico~~] public  
18 education department; and

19 (4) be considered school districts insofar as  
20 the restrictions of Article 9, Section 11 of the constitution  
21 of New Mexico are concerned.

22 [G-] H. All elections held pursuant to the branch  
23 community college laws shall be as follows:

24 (1) the board calling the election shall give  
25 notice of the election in a newspaper of general circulation in

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1 the branch community college district at least once a week for  
2 three consecutive weeks, the last insertion to be not less than  
3 thirty days prior to the proposed election;

4 (2) the election shall be conducted and  
5 canvassed in the same manner as municipal school district  
6 elections unless otherwise provided in the branch community  
7 college laws; and

8 (3) any person or corporation may institute in  
9 the district court of any county in which the branch community  
10 college district affected files an action or suit to contest the  
11 validity of any proceedings held under the branch community  
12 college laws, but no such suit or action shall be maintained  
13 unless it is instituted within ten days after the issuance by  
14 the proper officials of a certificate or notification of the  
15 results of the election and the canvassing of the election  
16 returns by the board.

17 [~~H.~~] I. The tax rolls of the school districts  
18 comprising the branch community college district shall be  
19 adopted as the tax rolls of the branch community college  
20 district. "

21 Section 2. TEMPORARY PROVISION. --The provisions of this  
22 act shall not affect agreements or contracts existing on the  
23 effective date of this act between a board of regents and a  
24 branch community college, except that a director of a branch  
25 community college selected after the effective date of this act

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1 shall be selected in accordance with the provisions of Section  
2 1 of this act.

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